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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in Rajya Sabha on the 12th July, 2019:—

I

BILL No. XXXIV OF 2018

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-ninth year of the Republic of India as follows:—

1. (1) This Act may be called the the Constitution (Amendment) Act, 2018.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may by notification, in the Official Gazette, appoint.

2. In article 85 of the Constitution, after clause (1), the following proviso shall be inserted—

Amendment
of article 85.

"Provided that each House of Parliament shall sit for atleast one hundred and twenty days in a year."

Amendment
of article 174.

3. In article 174 of the Constitution, after clause (1), the following proviso shall be inserted—

"Provided that each House of the Legislature of the State shall sit atleast sixty days in year.

STATEMENT OF OBJECTS AND REASONS

Over the years, there has been a decline in the number of sittings of the Rajya Sabha as well as in the Lok Sabha. In the beginning, Parliament used to sit for more than one hundred days and this practice continued upto early part of seventies. Gradually, the number of sittings of the Rajya Sabha and the Lok Sabha started decreasing and at present the sittings of the Houses stand around seventy. This is not a healthy trend especially in a vibrant democracy like ours. The important legislations concerning welfare of the citizens, women and the marginalised sections of the society suffer due to paucity of time. Discussions on various national and international issues also get neglected and the people at large are the worst sufferers. The situation in various State Legislative Assemblies is also not encouraging. These Assemblies hardly sit for more than thirty days in a year. As a result, many important issues go unnoticed. In view of this scenario, it is all the more desirable that both the Houses of Parliament should sit for atleast one hundred and twenty days and the Legislative Assemblies/Legislative Councils of the States should sit atleast for sixty days in a year.

The Bill seeks to achieve the above objective.

C.M. RAMESH

FINANCIAL MEMORANDUM

Clauses 2 and 3 of the Bill respectively provide for specifying the number of sittings of both Houses of Parliament and the State Legislatures in a year. Therefore, the Bill, if enacted, by Parliament or State Legislatures will involve expenditure from the Consolidated Fund of India as well as Consolidated Fund of the concerned State. However, it is not possible at this stage to assess the exact amount which is likely to be incurred towards recurring and non-recurring expenditure for the purpose.

II

BILL NO. XL OF 2018

A Bill to provide for the establishment of an autonomous body, called the Safeguarding and Adjudicating Farmers' Economic Rights Commission, to help improve the economic conditions of farmers, reduce their indebtedness and for all matters connected therewith or incidental thereto.

BE it enacted in the Sixty-ninth year of the Republic of India as follows:—

1. (1) This Act may be called the Safeguarding and Adjudicating Farmers' Economic Rights Commission Act, 2018.

Short, title and
commencement.

(2) It shall come into force on such date as the Central Government shall, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) "Appropriate Government" means, in the case of State, the Government of the State and in all other cases, the Central Government.

(b) "Capital" includes any monetary assests or interest arising out of the same, owned or incurred by an individual or group of individuals.

(c) "Chief Commissioner" means the Chairman of the Commission.

(d) "Commission" means, the Safeguarding and Adjudicating Farmers' Economic Rights (SAFER) Commission established under section 3.

(e) "Committee" means the search-cum Selection Committee constituted under sub-section (5) of section 3.

(f) "Complainant" means a farmer or member related to a farmer, who has lodged a complaint with the Commission, in the prescribed format.

(g) "Creditor" means a person or institution that, in the regular course of business, advances finance to a farmer for any purpose, and shall include the legal representatives and successors-in-interest, whether by inheritance, assignment or otherwise, of the person or institution that advances the finance.

(h) "Farmer" means an Indian citizen who undertakes cultivation in his own land or in any other land on sharing basis or on lease or performs any other livelihood work related to agriculture.

(i) "Land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

(j) "Prescribed" means prescribed by rules made under this Act.

(k) "Small and Marginal Farmers" means a farmer, in possessions of irrigated or unirrigated land being used for agricultural purposes of a size of not more than two hectares.

Establishment
of a SAFER
Commission.

3. (1) The Central Government shall, by notification in the Official Gazette, establish the Safeguarding and Adjudicating Farmer's Economic Rights (SAFER) Commission, to alleviate economic indebtedness and protect farmers from economic exploitation.

(2) The Commission shall consist of:

(i) A Chief Commissioner—Chairman, with a term of four years.

(ii) A Deputy Chief Commissioner—Member, with a term of four years.

(iii) Secretary, Ministry of Agriculture and Farmer's Welfare—Member

(iv) Secretary, Ministry of Finance—Member

(v) Five Members to be appointed by the President, by warrant of his signature and seal, from amongst persons with special knowledge in the field of agriculture, agricultural finance and judicial matters connected therewith, each with a tenure of six years.

(3) Each Member of the Commission shall have an equal voting right on any decision made by the Commission.

Provided that the Chief Commissioner shall have a veto, which may be exercised for the reasons to be recorded in writing.

(4) All decisions of the commission shall be made by a simple majority,

(5) The Chief Commissioner and Deputy Chief Commissioner shall be selected by a Search-Cum-Selection Committee consisting of Cabinet Secretary (Chairperson), Secretary,

Ministry of Agriculture and Farmer's Welfare (Deputy Chairperson) and three other eminent agriculture scientists to be co-opted as members.

(6) The Committee shall submit a panel of names for the post of Chief Commissioner and Deputy Chief Commissioner from amongst person satisfying the criteria that he shall.

(i) be an eminent scholar or researcher or professor of agriculture, with noted publications in reputed sources, or an expert in building governance institutions for agriculture or agricultural finance, with certified experience of the same;

(ii) be an Indian Citizen or an Overseas Citizen of India; and

(iii) not be, or have been, a part of any registered political party.

(7) The Chief Commissioner and Deputy Chief Commissioner shall be appointed by the Central Government from the Panel submitted by the Committee.

(8) Any casual vacancy in the post of Chief Commissioner and Deputy Chief Commissioner shall be filled by the Central Government by the same procedure, within six months.

(9) The Central Government shall appoint such number of officers and other staff including experts to the Commission as may be required for its efficient functioning.

(10) The salaries and allowances payable to, and other terms and conditions of service of the Chief Commissioner, Deputy Chief Commissioner, Members, Officers and any other Staff, shall be such as may be prescribed.

(11) The Commission shall have the powers to regulate its own procedure.

4. (1) It shall be the duty of the Commission to take such steps, as it may deem appropriate, for the safeguarding of farmers' economic rights and alleviating economic distress amongst farmers.

Functions of
the
Commission.

(2) Without prejudice to the generality of the foregoing provision, the Commission shall perform the following functions for the economic welfare of farmers;

(a) Investigate all complaints made to the Commission, or any other relevant authority, by farmers regarding exploitation by creditors, illegal or malafide foreclosures on farmers' property, or any case of economic distress due to indebtedness:

Provided that the complaint is registered, in the prescribed format with the Commission within two months of an order for the execution of a decree to initiate debt recovery.

(b) investigate all complaints made to the Commission, by farmers, regarding the deprivation of farmers' economic rights, including but not limited to, access to subsidies, access to reliable markets and provision of Minimum Support Prices;

(c) investigate, or participate in ongoing investigations by submitting written Reports to the relevant authorities, any lapses in enforcement of current Central or State Acts regarding economic indebtedness and debt recovery in the agricultural sector; and

(d) participate in the planning process to alleviate the economic indebtedness and general agrarian distress amongst farmers in the country.

(3) During the period of investigation of any complaints made under sub-section (2) of section 4, the Commission shall have the powers to:

(a) introduce a temporary moratorium on debt recovery;

(b) introduce a temporary moratorium on the alienation of land; and

(c) conduct a Social Impact Assessment (SIA) regarding the process of debt recovery and alienation of property, giving regard to the complainant's and his dependants' income and its sources, in order to ascertain the minimum amount of land

and capital necessary to provide for the maintenance of the complainant and his dependants, including an adequate amount of shelter.

(4) On completion of investigation of any complaints made under sub-section (2) of section 4, the Commission shall have the powers to:

(a) declare null and void, in its entirety, any debt recovery or alienation of property that the Commission feels is manifestly unjust or illegal;

(b) order a partial exemption of land, living quarters and capital, owned by the complainant, based upon the Social Impact Assessment carried out under clause (c) of sub-section (3) of section 4; and

(c) advise the appropriate Government, through a written Report, to act upon;

(i) an established lapse in law enforcement;

(ii) an established lapse in provision of Minimum Support Price;

(iii) an established lapse in provision of any economic right guaranteed to farmers under existing State and Central Law; and

(iv) an established illegality in the process of debt recovery by a financial institution or finance provider named in said case;

(5) All investigations shall be completed within six months of the complaint being registered with the Commission.

Appropriate Government to consult the Commission.

5. (1) The appropriate Government shall consult the Commission on all matters relating to loan waivers, and any matters connected to farmer indebtedness

(2) All Members barring the Secretary Ministry of Agriculture and Farmer's Welfare and the Secretary, Ministry of Finance, shall be involved in the consultation process.

(3) The Commission shall with regard to loan waivers submit a report to the appropriate Government delineating the quantum of waiver necessary for each individual applicant, giving a preference to small and marginal farmers.

(4) With regard to the completion of an investigation by the Commission on complaint under sub-section (2) of section 4, the Commission shall submit a report to the appropriate Government, including recommendations for enforcement of existing laws, policies and schemes and/or the enactment of new policies, laws and schemes and/or recommendations for the initiation of judicial processes against individuals found, by the investigation, to be acting illegally.

(5) The Commission shall with regard to any other matter connected to farmer indebtedness submit a report to the appropriate Government, under conditions as may be prescribed on a case-by-case basis.

(6) The appropriate Government shall respond to each a Report by the Commission in writing, accepting or rejecting its recommendations with reasons for the rejection.

Establishment of a Portal for Complaints.

6. (1) The Commission shall, within six months of its constitution establish a functional online Portal for Complaints to be made under this Act.

(2) The Portal shall have provisions for accepting the following:

(a) complaints made by farmers regarding matters falling under the purview of this Act.

(b) complaints made by farmers under any other existing Central or State Laws regarding agriculture or any matters connected therewith.

(c) complaints made by farmers to any other relevant authorities, regarding the levels of economic distress in agriculture or any matters connected therewith, that the complainant wishes to forward to commission.

(d) appeals made to the Commission by farmers, against the adjudication of a case by any State Debt Conciliation Board.

Provided that the complaints made offline, either in person or by post to the Block Development Officer or any other Officer of similar or higher rank shall be lodged with the Commission through the Online Portal, not more than three days after its receipt by concerned officer.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds from the Consolidated Fund of India to the Commission for carrying out of provisions made under this Act.

Central Government to provide adequate funds for the Commission.

8. (1) if any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty.

Power to remove difficulties.

(2) Every order made under this section shall, as soon as it may be after it is made, be laid before each House of Parliament.

9. The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have overriding effect.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session, or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India has a great tradition of agriculture. We are among the world's largest producers of wheat, rice, fruits, vegetables, sugarcane and cotton. We are the world's largest producers of pulses and milk. Farming provides almost 50% of the nation with its primary source of livelihood. We have seen massive advances in productivity, to the extent that we are now an entirely self-sufficient country when it comes to food demand *vis-a-vis* food supply. And yet, our farmers are the unhappiest they have ever been. The last few years have seen protests by farmers across the nation, from Delhi to Tamil Nadu. As a nation, we should not fail to provide for those who put food on our table. Be it in infrastructure, access to markets, agricultural finance or simply a fair price for their produce, farmers should be supported.

Several schemes and policies have been enacted to alleviate the distress within the agrarian sector. Governments have given loan waivers and regularly hiked the Minimum Support Prices, every time there is discontent within the farming community. However, there is a need to tackle the core, sectoral issues. Exploitation by moneylenders, subsequent alienation of land and property, unfair market prices and exploitation by middlemen—these are the key underlying issues that any policy or scheme to eventually fail. These issues makes keep the farmers stuck within a vicious cycle of debt and uncertainty. Taking away a farmer's land and only source of income through debt recovery he is unable to provide for his family with the middlemen hoarding all profits for himself, the farmer is forced to discontinue farming. There is, therefore, an urgent need to establish a SAFER Commission, whose sole purpose is to listen to farmers and fight for their economic rights. The Commission shall ensure that the farmers of the country know that the Government stands for them, and will do everything it can to ensure they get their fair share.

Hence, this Bill.

PARTAP SINGH BAJWA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Safeguarding and Adjudicating Farmers' Economic Rights (SAFER) Commission. It also provides for the appointment of and payment of salaries for a Chief Commissioner, a Deputy Chief Commissioner, members, officers and any other staff as may be necessary. Clause 7 provides for the Central Government to provide adequate funds for the smooth functioning of the Commission. The Bill therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It is estimated that a recurring expenditure of rupees fifty crore will be involved. A non-recurring expenditure of rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

III

BILL NO. LVII OF 2018

A Bill further to amend the Reserve Bank of India Act, 1934.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Reserve Bank of India (Amendment) Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 7.

2. In section 7 of the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act),

2 of 1934

(i) in sub-section (1), for the words “from time to time give such directions to the Bank as it may,”, the words “from time to time give such suggestions to the Bank as it may.”;

(ii) In sub-section (2), for the words “Subject to any such directions, the words “Subject to any such suggestions accepted by the Bank, after consultation with the Governor.

Amendment
of section 8.

3. In section 8 of the principal Act after the sub-section (7), the following sub-section shall be inserted, namely:

“(8) The Central Board shall appoint a senior officer of the Bank to act as its Secretary who shall perform such functions and, in such manner, as may be specified by the regulations made by the Central Board.”

4. In section 11 of the principal Act. (i) after sub-section (I), the following proviso be inserted namely:

Amendment of section 11.

“Provided that no member shall be removed under this clause unless he has been given a reasonable opportunity of being heard in the matter and he shall also be provided with a minimum of thirty days and a maximum of forty five days to be heard, from the date of notice of such removal, as issued by the Central Government.

(i) After sub-section (6) the following be inserted namely:—

“(7) A vacancy shall be filled within,

(a) thirty days from the date on which the vacancy arose, where the board-size falls below a total of eleven members, and

(b) one hundred eighty days from the date on which the vacancy arose, in all other cases.

Provided, that if the Central Government is unable to appoint a Director within the time period specified the Central Government shall prepare a report within ninety days from the expiry of the time limit specified, stating the reasons for the failure to fill the vacancy and lay a copy of the report before Parliament in an ongoing session or where the Parliament is not in session, immediately in the next session.”

5. In the Principal Act, after section 13 the following new section shall be inserted, namely:

Insertion of a new section 13A.
Procedure for Meetings of the Central Board.

“13A (I) The Bank shall publish the agenda of every meeting within fourteen days after every meeting of the Central Board.

(2) Except as provided in sub section 13A(3), the Bank shall publish, within fourteen days after every meeting of the Central Board, the minutes of the proceedings of the meeting which shall include the following. namely:—

(a) the resolution adopted at the meeting of the Central Board;

(b) the vote cast by each member of the Central Board, present and voting, ascribed to such member, on resolutions adopted in the said meeting; and

(c) the statement of each voting member of the Central Board specifying the reasons for voting in favour of, or against the proposed resolution.

(3) The Central Board shall be exempted from publishing select portions of the minutes of any meeting or the minutes of an entire meeting, if the subject discussed falls under any of the following categories, namely:—

(a) it is likely to frustrate the implementation of an action proposed by the Bank or the Central Board, where such action has not been disclosed to the public; or

(b) it is likely to disclose information the premature disclosure of which would,—

(i) lead to significant financial speculation in currencies, securities, or commodities, or

(ii) significantly endanger the economic stability of the nation;

(c) they are exempt from disclosure under section 8 of the Right to Information Act, 2005.

22 of 2005.

(4) the publication of minutes relating to a particular meeting, may be delayed or exempted completely only if the Central Board in such meeting,—

(a) records the reason under the categories mentioned in sub-section (3) applicable in respect of each portion of the minutes; and

(b) the majority of Directors' present at the meeting, vote in favour of such action for each portion of the records separately.

(5) The quorum for the meetings of the Central Board shall be more than half the total number of Directors appointed:

Provided that at least half of the Directors attending the meeting should have been appointed under clause (C) of sub-section (1) of Section 8 of the principal Act.

(6) The Central Board shall make rules and regulations consistent with the provisions of this section."

Amendment
of section 58.

6. In section 58 of the principal Act in sub-section (2)

(i) for clause (h), the following shall be substituted, namely:—

"(h) the delegation of powers and functions of the Central Board to Deputy Governors, Directors or officers of the Bank except such powers and functions that are expressly imposed or conferred by any law including this Act on the Central Board".

(ii) for clause (i), the following shall be substituted, namely:—

"(i) the formation of the Committees of the Central Board, the delegation of powers and functions of the Central Board to such Committees except such powers and functions that are expressly imposed or conferred by any law including this Act on the Central Board, and the conduct of business in such Committees".

STATEMENT OF OBJECTS AND REASONS

The Reserve Bank of India (RBI) was constituted to regulate money supply, maintain reserves with an aim to secure macroeconomic stability, and to operate the currency and credit system in order to meet the challenges of an increasingly complex economy. India's monetary policy aims to ensure price stability while prioritizing economic growth. The responsibility for monetary policy lies with the Reserve Bank of India.

As the RBI is the apex monetary authority and banking sector regulator in India, drawing its power from the prescribed functions in the Reserve Bank of India Act, 1934 (hereinafter referred to as Principal Act), its independence is central to its existence. Independence of a statutory body is marked by the powers ascribed to it, the composition and appointment of its executive and non-executive members, their removal or absence, and the transparency in the functioning of the institution as a whole. Independence, specifically in the context of statutory bodies begins with removal of political interference, but accompanied by strong internal checks and balances.

The Indian Financial Code (IFC), was drafted by the Financial Sector Legislative Reforms Commission (FSLRC), which was instituted in 2011 by the Ministry of Finance. The objective was to rewrite and review the legal and institutional architecture of the Indian financial sector. The gradual enactment of IFC has been the pivot of major financial reforms in India. Additionally, it is imperative to expedite other crucial recommendations, to strengthen the institutional framework of the RBI.

In recent times especially post-demonetization, the extent of political interference and the eroding independence of RBI has been much deliberated. The Central Government derives its power to direct the RBI on matters of public interest from section 7 of the principal Act. While working towards the nationalization of the RBI, a bill was prepared to amend the Act. The then Governor suggested that in the case of differences between the regulator and the government, the latter must take the responsibility for its actions. But later, this point was completely missed. Evidently, section 7 is silent on devolution of responsibility. Inevitably the blame tends to fall on the RBI. Amendment to this section seeks to fortify the independence of the RBI.

Amendments to section 8 and section 11 seek to bring written codes on composition appointment and vacancy of seats in the Central Board. Before RBI's Central Board approved demonetization when it met, as many as 11 seats out of the 21 sanctioned posts were vacant. Only 8 out of 10 appointed Directors attended the meeting, of which only 4 were eligible to vote and only 2 were independent directors. This amendment is thus essential, keeping in mind Section 8 (5), which states that no act or decision of the Board can be questioned merely on the grounds of existing vacancy or absence. As an unbalanced composition cannot be the ground of questioning the decision, corrective measures to fill vacancies must be put in place to ensure there is no vacuum. It is crucial to introduce a statutory provision to fill vacancies in a timebound manner. Amendments to Section 13 seek to ensure transparency, with regard to board proceedings, and are in accordance with international practices. The amendment in section 58 ensures that Central Board cannot delegate its power to deliberate on critical issues to the management and to committees.

It is important to strengthen the pillars of our economy through institutional reforms, as we envision growth and long-term monetary stability.

Hence, this Bill.

PROF. M.V. RAJEEV GOWDA

IV

BILL NO. XLV OF 2018

A Bill to identify and support the children with learning disabilities in education and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Children with Specific Learning Disabilities (Identification and Support in Education) Bill, 2018.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government or any local authority other than a Cantonment Board, the State Government;

(b) "dyscalculia" means a learning disability characterized by difficulty in mathematics;

(c) "dysgraphia" means a learning disability characterized by difficulty with the act of writing both in the technical as well as the expressive sense including difficulty with spelling;

(d) "dyslexia" means a learning disability that affects a person's ability to acquire, process and use either spoken, written or nonverbal information including organization and planning, functional literacy skills, memory, reasoning, problem solving and perceptual skills or in other words, difficulty with language in its various uses including reading;

(e) "dyspraxia" means a learning disability that affects the person's ability to plan motor tasks and to make an appropriate body response;

(f) "educational institution" includes a private educational institution;

(g) "in service" means in service of any institution run or managed by the Central or State Government or run or managed with the aid of Central or State Government;

(h) "prescribed" means as prescribed by the rules made under this Act;

(i) "specific learning disability" means a disorder in one or more of the basic psychological process involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations and includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, dyspraxia, dyscalculia, dysgraphia and development aphasia, but does not include a learning problem that is primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantages.

3. (1) The appropriate Governments including local self Governments shall conduct an annual survey to identify the number of persons with specific learning disabilities, the nature of facilities and assistance provided to them and the extent to which they are benefitted.

Annual Survey
on Persons
with Specific
Learning
Disabilities.

(2) The manner of conduct of survey, qualification of personnel involved in survey, maintenance of records and publication of reports shall be such as may be prescribed.

4. The appropriate Governments including local self Governments shall,—

Mass
Awareness
Campaign.

(i) conduct mass awareness campaigns to create awareness in the community regarding specific learning disabilities, their causes and prevention, treatment and remedial measures;

(ii) sponsor or cause to sponsor awareness campaigns and disseminate or cause to disseminate information on learning disabilities;

(iii) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers about specific learning disabilities, their causes and remedial measures; and

(iv) create awareness amongst the masses through television, radio and other mass media; and promote research in specific learning disabilities.

Setting up of
Teacher
Training
Institutions.

5. The appropriate Governments shall,—

(i) set up adequate number of teacher training institutions and assist the national institutes and other voluntary organizations to develop teachers' training programmes specializing in specific learning disabilities;

(ii) improve the teacher education programmes to incorporate specific learning disabilities, its theory and practices within the curriculum of teacher education;

(iii) ensure that newly inducted teachers attend at least one month mandatory training in inclusive education, with special focus on specific learning disabilities;

(iv) provide adequate training to the regular teachers in service, in inclusive education with special focus on specific learning disabilities; and

(v) train the teachers and staff in anganwadis to facilitate early detection of specific learning disabilities.

Special
facilities in
educational
institutions.

6. (1) Every educational institution shall be equipped with a resource room and a special educator trained in specific learning disabilities and where special educator trained in such disabilities is not available, a person trained in special education shall be appointed.

(2) The facilities of the resource room and qualification of the special educator shall be such as may be prescribed.

(3) Every educational institution shall endeavour to detect specific learning disabilities in children at the earliest.

(4) Where a child is suspected with specific learning disability, a detailed evaluation of the child including his socio-economic background and family background shall be conducted and the child may be referred to a clinical psychologist or a Learning Disability Detection and Remediation Centre as set up under section 7, to detect if, he is suffering from a specific learning disability.

(5) Where a child is detected with a specific learning disability, and Individualised Education Plan shall be formulated for the child depending on the specific needs of the child by a team consisting of the Principal of the school, the class teacher of the child, another teacher, special educator, the parents of the child and the child himself.

(6) The child detected with specific learning disability may be referred to a Learning Disability Detection and Remediation Centre as set up under section 7, for specialized support, if found necessary.

(7) The individualized Education Plan shall be periodically revised, and the progress of the child shall be closely monitored in terms of attainment levels and completion of education.

Setting up of
Learning
Disability
Detection
and
Remediation
Centre.

7. (1) The State Government shall set up adequate number of Learning Disability Detection and Remediation Centres in every district to train and equip children with specific learning disabilities who require specialized training:

Provided that there shall be at least one Learning Disability Detection and Remediation Centre in every district.

(2) The Learning Disability Detection and Remediation Centres shall provide specialized training to children with specific learning disabilities, assist the schools in the concerned district to set up resource rooms, provide training and support to the regular teachers in dealing with children with specific learning disability.

(3) The Learning Disability Detection and Remediation Centres may also offer practical courses in dealing with children with specific learning disabilities for parents and teachers subject to regulations as may be prescribed by appropriate government.

(4) The appropriate Government may distribute to every education institution the learning materials including special text books and teaching aid for the children with specific learning disability through the Learning Disability Detection and Remediation Centres.

(5) The manner in which Learning Disability Detection and Remediation Centres shall be set up or recognized, its constitution, structure and function shall be such as may be prescribed.

8. (1) The Central Government shall establish a National Centre for Specific Learning Disabilities to provide leadership public awareness and grants to support research and innovative practices in specific learning disabilities.

Establishment of National and Regional Centres for specific learning disabilities.

(2) The appropriate Government may establish Regional Centres for Specific Learning Disabilities at the State and District Level.

(3) The manner in which the National and Regional Centres for specific learning disability shall be set-up, constituted structured and shall function, shall be such as may be prescribed.

9. (1) The Central Government shall frame guidelines for certification of children with specific learning disabilities.

Guidelines for certification of children with specific learning disabilities.

(2) The Central Government shall lay down qualifications for certifying authorities of children with specific learning disability.

(3) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of specific learning disability.

10. (1) The appropriate Government shall make suitable modifications in the curriculum and examination system to meet the needs of the children with specific learning disabilities.

Curriculum and examination system for children with specific learning disabilities.

(2) Notwithstanding and without prejudice to any other concessions provided to the children with specific learning disabilities in examinations, the appropriate Government shall ensure that the children with specific learning disabilities are provided the following concessions—

- (a)** twenty five per cent extra time for completion of the examination paper;
- (b)** facility of scribe or amanuensis when necessary;
- (c)** oral test along with written tests up to Class IX and promotion based on the average of both;
- (d)** relaxation in standards of Arithmetic per the level of the child;
- (e)** use of calculators;
- (f)** disregard the errors of interchanging of computation signs and number reversal;
- (g)** exemption from second and third language;
- (h)** availability of alternate subjects like home science, electronics etc.;
- (i)** disregard of spelling or grammar errors and incorrect sentence construction;
- (j)** disregard of direction errors in geography and other subjects;
- (k)** exemption from diagrams, charts and graphs; and
- (l)** such other concessions as may be prescribed.

Employment of persons with specific learning disabilities.

11. The appropriate Governments and local authorities shall by notification in the official gazette formulate schemes for ensuring employment of persons with specific learning disabilities and such schemes shall include training and welfare of persons with specific learning disability, relaxation of upper age limit, and schemes for promoting self-employment.

Central Government to provide funds

12. The Central Government shall, after due appropriation made by Parliament, by law, in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Punishment for availing benefits meant for persons with disabilities.

13. (1) Whoever fraudulently avails or attempts to avail any benefit meant for persons with specific learning disabilities, shall be punishable with imprisonment for a term which may extend up to two years or with fine which may extend to one lakh rupees or with both.

(2) Whoever assists or facilitates the commission of the offence under sub-section (1) shall be punishable with imprisonment of two years or with a fine which may extend to one lakh rupees or with both.

(3) The appropriate Government shall report the names of the registered medical practitioners who have been convicted of the offence under sub-section (2) to the respective State Medical Council for taking necessary action including removal of his name from the register of the Council for a period of two years for the first offence and permanently for the subsequent offence.

(4) Any principal or teacher of a school convicted under sub-section (2) shall be liable for appropriate disciplinary action including suspension or removal from service.

(5) No person shall be punished under sub-section (1) or (2) for an act done by them in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.

Complaint mechanism.

14. Without prejudice to the provisions of section 13, the appropriate Government on the application of any aggrieved person or otherwise shall look into complaints with respect to matters relating to,—

(a) deprivation of right of persons with specific learning disabilities; and

(b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued for the welfare and protection of rights of persons with specific learning disabilities.

Power to remove difficulties.

15. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

Act not in derogation of any other law.

16. The provisions of this Act shall be in addition to and not in derogation of the provisions in any other law, for the time being in force.

Power to make rules.

17. The appropriate Governments, may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Children with learning disabilities are a disadvantaged section of the society. There is no law or policy in this context at present. There has not been a systematic study to gauge the prevalence of learning disabilities in India, though, isolated studies by independent researchers and organizations estimate that fourteen percent of all the school children suffer from learning disabilities. It is a matter of concern that adequate research and funds have not been channelized to address this particular issue. Further, there is gross lack of awareness of learning disability among the parents, teachers and the community which results in branding of children as lazy or uninterested.

A specific learning disability affects the ability to learn and use certain skills, *e.g.*, reading, writing, listening, speaking, reasoning, directing attention, doing mathematical calculations and coordinating movements. The common forms of specific learning disabilities are: dyslexia (difficulty in reading), dysgraphia (difficulty in writing) and dyscalculia (difficulty in mathematics). It may affect a single skill or combination of skills. Learning disability is distinct from mental retardation, and many a time, those suffering from such disabilities may have near normal, normal or superior intellectual ability, but the cognition, memory, motor activity and brain function of such children might be different from other individuals. Many great personalities like Thomas Alwa Edison and Albert Einstein were once discarded by the school system as failures.

The major challenge in identification of children with specific learning disabilities is the invisibility of their condition. The teachers, parents and peers often regard them as a slow learners or a failure, or attribute to them laziness or bad attitude. The diverse socio-cultural and economic conditions of the country make it a further complicated exercise. If the children with specific learning disabilities are identified at an early age, they can be accommodated into the mainstream by providing appropriate and specialized training. Further, new centres should be opened to train and equip such children and the teachers and parents should also be trained to deal with them. The curriculum and assessment methods must be restructured to accommodate the children with specific learning disabilities or appropriate concessions should be given to them.

Hence, this Bill

VANDANA CHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for conducting annual survey to detect the number of persons affected with specific learning disability, clause 4 provides for conducting mass awareness campaigns, clause 5 provides for setting up of teacher training institutions, clause 7 provides for setting up of Learning Disability Detection and Remediation Centres, clause 8 provides for setting up a National Centre for specific Learning Disabilities and clause 12 provides for the Central Government to provide funds to the State Governments. The Bill, if enacted, will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees five hundred crore per annum. A non-recurring expenditure of one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

V

Bill No. LIX of 2018

A Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2018.

Short title,
extent and
commencement.

(1) It extends to the whole of India except the State of Jammu and Kashmir.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Right of Children to Free and Compulsory Education Act, 2009 (here in after referred to as the principal Act), in section 2,

Amendment
of section 2.

(i) for clause (c), the following clause shall be substituted, namely:—

“(c) “child” means a male or female child of the age of three to fourteen years;”

(ii) after clause (k), the following clause shall be inserted, namely:—

“(ka) “pre-primary education” means pre-kindergarten, junior kindergarten and senior kindergarten education for children aged three, four and five years respectively;”.

(iii) in clause (n), after the words “school imparting” the words “pre-primary and” shall be inserted.

Amendment
of section 3.

3. In the principal Act, in section 3,

(i) for sub-section (1) the following shall be substituted, namely:—

“(1) Every child of the age of three to fourteen years shall have a right to free and compulsory education in a neighbourhood school from pre-primary education until the completion of elementary education.”

(ii) in sub-section (2):

(a) after the words “pursuing and completing the” the words “pre-primary education and” shall be inserted.

(b) in the proviso, after the words “free and compulsory” the words “pre-primary education and” shall be inserted.

Amendment
of section 4.

4. In the Principal Act, in section 4,

(i) for the word “six”, the word “three” shall be substituted.

(ii) for the second proviso, the following shall be substituted, namely:—

“Provided further that a child so admitted to pre-primary or elementary education shall be entitled to free education till completion of elementary education even after fourteen years.”

Amendment
of section 5.

5. In the principal Act, in section 5,

(i) in sub-section (1), after the words “for completion of” and “for completing his” the words “pre-primary education and” and shall be inserted.

(ii) in sub-section (2), after the words “for completing his or her” the words “pre-primary education and” shall be inserted.

Amendment
of section 6.

6. In the principal Act, in section 6, after the words “commencement of this Act”, the following proviso shall be inserted, namely:—

“Provided that for the establishment of facilities for pre-primary education, the appropriate Government shall establish, within such an area of limits of neighbourhood, as may be prescribed, a school, and where it is not so established, within a period of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2018.”

Amendment
of section 8.

7. In the principal Act, in section 8,

(i) in clause (a):

(a) after the words “provide free and compulsory” the words “pre-primary education and” shall be inserted;

(b) in the proviso, after the words “expenditure incurred on” the words “pre-primary education and shall be inserted;

(c) for sub-clause (i) of the Explanation clause, the following clause shall be substituted, namely—

“(i) provide free pre-primary and elementary education to every child of the age of three to fourteen years; and”;

(d) in sub-clause (ii) of the Explanation clause, for the words “elementary education by every child of the age of six to fourteen years”, the words “pre-primary

and elementary education of every child of the age of three to fourteen years” shall be substituted.

(ii) in clause (c), after the words “pursuing and completing” the words “pre-primary education and” shall be inserted.

(iii) in clause (f), after the words “and completion of” the words “pre-primary education and” shall be inserted.

(iv) in clause (g), after the words “ensure good quality” the words “pre-primary and” shall be inserted.

(v) after clause (h), the following clause shall be inserted, namely—

“(ha) ensure timely prescribing of child-friendly development activities for “pre-primary education.”

8. In the principal Act, in section 9,

Amendment
of section 9.

(i) in the clause (a):

(a) after the words “provide free and compulsory” the words “pre-primary education and” shall be inserted;

(b) in the proviso, after the words “expenditure incurred on” the words “pre-primary education and” shall be inserted.

(ii) in clause (c), after the words “pursuing and completing” the words “pre-primary education and” shall be inserted.

(iii) in clause (e), after the words “and completion of” the words “pre-primary education and” shall be inserted.

(iv) in clause (h), after the words “ensure good quality” the words “pre-primary education and” shall be inserted.

(v) after clause (i), the following clause shall be inserted, namely—

“(ia) ensure timely prescribing of child-friendly development activities for pre-primary education.”

9. In the principal Act, in section 10, after the words “may be, to” the words “a pre-primary education and an” shall be inserted.

Amendment
of section 10.

10. Section 11 of the principal Act shall be omitted.

Repeal of
section 11.

11. In the principal Act in section 12,

Amendment
of section 12.

(i) in sub-section (1);

(a) in clause (a), after the words “provide free and compulsory” the words pre-primary education and” shall be inserted.

(b) in clause (b), after the words “provide free and compulsory” the words “pre-primary education and” shall be inserted;

(c) in clause (c), after the words “provide free and compulsory” the words “pre-primary education and” shall be inserted; and

(d) the proviso shall be deleted.

(ii) in sub-section (2), after the words “free and compulsory” the words “pre-primary education and” shall be inserted.

- Amendment of section 14. **12.** In the principal Act, in section 14, sub-section (1), after the words “admission to” the words “pre-primary education and” shall be inserted.
- Amendment of section 29. **13.** In the principal Act, in section 29,
 (i) in sub-section (1), after the words “evaluation procedure for” the words “pre-primary education and” shall be inserted.
 (ii) in sub-section (2), after clause (h), the following proviso shall be inserted, namely:—
 “Provided that it shall not be compulsory for schools to conduct continuous and comprehensive evaluation for pre-primary education.”
- Amendment of section 30. **14.** In the principal Act, in section 30, in sub-section (1) after the words “completion of” the words “pre-primary education and” shall be inserted.
- Amendment of section 33. **15.** In the principal Act, in section 33, in sub-section (1), after the words “in the field of” the words “pre-primary education or” shall be inserted.
- Amendment of section 38. **16.** In the principal Act, in section 38, in sub-section (2), in clause (o), after the words “for completion of” the words “pre-primary education or” shall be inserted.
- Amendment of schedule. **17.** In the Schedule to the principal Act, in entry 1(a) in column (2), under the heading, ‘Item’, for the words “first class” the words “pre-kindergarten” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Good quality pre-primary education is essential for a child's social, emotional, and cognitive development. When a child is given the right support and guidance during her formative years, it builds a strong foundation for future education and lifelong learning. This strong base would allow the child to develop key creative and critical thinking skills and allow children of all socio-economic backgrounds to grow to their full potential. Early childhood care and education has a positive impact on attendance, retention and learning of children in elementary and higher education.

The importance of pre-primary education is emphasized in the Sustainable Development Goals, where target 4.2 directs that all girls and boys should have access to quality early childhood development, care and pre-primary education so that they are ready for primary education. The Directive Principles of State Policy as enumerated in Article 45 of the Constitution lays down that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

The Right of Children to Free and Compulsory Education Act, 2009 currently covers only children from Class I to VIII and does not have a provision for pre-primary education. However, it encourages States to provide free pre-primary education. The current Integrated Child Development Scheme which provides early childhood care and education covers less than 50 per cent of the children who are below the age of six years, through Anganwadi Centers. It is estimated that there are a significant number of private providers of preschool education, however, no reliable data exists regarding the quality and coverage of pre-primary education. There is an absence of standardization, norms and institutional capacity which means that all children do not start elementary education with the same base. Additionally, there is no formal environment which provides adequately trained teachers as anganwadi centers provide a wide variety of services.

Thus, there is a need to include pre-primary education within the Right of Children to Free and Compulsory Education Act, 2009. This would ensure that there is a standardization of norms, infrastructure care and optimal development of the children of India.

Hence this Bill.

SHRIMATI VANDANA CHAVAN

FINANCIAL MEMORANDUM

Section 7 of the Right of Children to Free and Compulsory Education Act, 2009 provides that the Central Government and the State Government shall make available the funds for carrying out its provisions. There would be additional funds required to carry out the amended provisions.

It is not possible to quantify the financial requirement at this stage as there is recurring and non-recurring expenditure required to implement this Act. However, the expenditure would be met from the Consolidated Fund of India through annual budgetary provision under the Department of School Education and Literacy, Ministry of Human Resource Development.

VI

BILL NO. XLVI OF 2018

A Bill further to amend the Contract Labour (Regulation and Abolition) Act, 1970.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Contract Labour (Regulation and Abolition) Amendment Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Substitution
new section for
Section 10.

2. In the Contract Labour (Regulation and Abolition) Act, 1970 (hereinafter referred to as the principal Act) for section 10, the following section shall be substituted, namely:—

37 of 1970.

Prohibition of
employment
of contract
labour.

“10. (1) Notwithstanding anything contained in this Act or any other law in force, the employment of any contract labour is prohibited in any process, service, operation or work for the time being in any establishment, unless that process, service, operation or work is:

(a) not necessary or essential for the industry, trade, business, manufacture or occupation that is carried on in the establishment;

(b) of a temporary nature, that is, not of sufficient duration to constitute the routine activities of the establishment;

(c) not ordinarily done by regular workmen in that establishment or an establishment similar thereto; or

(d) of such a nature that it would not be adequate to employ full-time workmen.

(2) The employment of any contract labour is prohibited in any process, service, operation or work in any establishment unless permission is granted by the appropriate Government under sub-section (3).

(3) The appropriate Government may, after consultation with the Central Board or, as the case may be, a State Board, permit, by notification in the Official Gazette, employment of contract labour in any process, service, operation or work in an establishment (3). In granting permission for employment of contract labour on an application by an establishment, in such manner as may be prescribed, the appropriate Government shall consider the factors mentioned in sub-section (1) amongst other relevant factors.

(4) Even during the pendency of any application under sub-section (3) or under this act, any workman, irrespective of the nomenclature or status awarded by the employer, engaged in any process, service, operation, or work in the establishment shall be deemed to be a workman of the said establishment and shall be eligible to all rights of a workman under any applicable Act.

(5) Any workman appointed in violation of this Act shall be deemed to be a workman of the said establishment and shall be entitled to all the rights and privileges accordingly, arising out provisions of Industrial Disputes Act, 1947, Industrial Employment (Standing Orders) Act, 1946 and any other Act applicable to the establishment.”

14 of 1947.
20 of 1946.

Amendment
of Section 23.

3. In Section 23 of the principal Act—

(a) for the words “one thousand rupees” the words “five thousand rupees per contract labour or twenty-five thousand rupees, whichever is higher” shall be substituted; and

(b) for the words “one hundred rupees” the words “two thousand five hundred rupees” shall be substituted.

Amendment
of Section 35.

4. In section 35 of the principal Act, after sub-clause (c) the following shall be inserted, namely:—

“(ca) the form of application for grant of permission to employ contract labour under section 10 and the particulars it should contain;”

STATEMENT OF OBJECTS AND REASONS

India is at a critical juncture in her growth, with a burgeoning middle-class and the world's largest youth population, and needs to meet the aspiration of those who are joining it's workforce. As it makes the transition towards formalization of labour, new forms of informal employment such as contract labour have emerged. This is mainly due to the demand for greater flexibility and pressures from the global economy that establishments in India facts. Contract labour is an arrangement where the workmen are hired through a contractor, instead of directly through the employer. Recent trends in India have shown that contract labour has risen from approximately 12% in 1985 to nearly 35% today in the organized manufacturing industry in India. This number is much higher, at nearly 50% in some states like Maharashtra, Gujarat and Andhra Pradesh. Contract Labourers face more legal hurdles while enforcing their right to regular working hours, just and humane conditions of work and social security benefits. Therefore, a contract labourer generally draws a fraction of the salary of a regular workman and is often paid less than the minimum wage.

Although the Contract Labour (Regulation and Abolition) Act, 1970 was passed nearly 50 years ago, the component of abolition has been sidetracked, as the Act lacks the necessary enforcement mechanism to remove contract labour where it is not appropriate. There is no general prohibition of contract labour in the Act, and instead it provides a procedure by which the Central or State Governments may prohibit contract labour on a case to case basis, based on an application made to the Central or State Board by the contract labourer himself. This cumbersome procedure relies on the proactivity of the worker to enforce his rights, instead of placing the burden of compliance on the employer. This gap in the law has proven to be a fertile ground for the growth of contract labour in India. Additionally, as per the Supreme Court's judgement in *Steel Authority of India Limited & Others v. National Union Waterfront Workers and Others*, after the Central or State Government passes the prohibition order, there is no automatic absorption of the workmen into the establishment as permanent workers. The Act places no penalties on the employer for employing contract labour and therefore encourages him to subvert the provisions of other labour laws by employing workers through contract labour.

This amendment seeks to change the structure of this law in order to allow it to fulfill its desired outcomes. It retain similar conditions to determine whether contract labour is required, but shifts the burden of compliance to the employer. It prohibits the employment of contract labour in establishments where it is not required, and mandates that an employer must obtain a licence in order to employ contract labour. If this license is not obtained, then the employer could have to pay a fine for contravention of the provisions of the Act. Additionally, it protects the rights of workmen, since they are entitled to the same benefits as regular workers if they are appointed in violation of this Act. Lastly, the Bill also amends the penalty clauses in order to make them more in line with today's economic reality. Therefore, this Bill seeks to achieve the original aims of the Act.

Hence, this Bill.

VANDANA CHAVAN

VII

BILL NO. XVI OF 2019

A Bill further to amend the Indian Penal Code, 1860; the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872.

WHEREAS the Constitution of India guarantees to all persons the right to life and personal liberty, the equal protection of laws and prohibits discrimination on the ground of sex and provides a special provision for the advancement of socially backward classes of citizens;

AND WHEREAS it is deemed necessary and expedient to enact legislation for the protection of these rights guaranteed by the Constitution;

AND WHEREAS the Law Commission of India vide its 172nd Report dated 13th March, 2000 after considering all aspects had recommended that sexual offences should be made gender neutral;

AND WHEREAS a Bill to amend the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 to provide for gender neutrality for numerous penal sections was introduced in the House of the People in 2012 and was referred to the Parliamentary Standing Committee on Home Affairs for examination followed by the Introduction of the Criminal Law (Amendment) Bill, 2012 in the House of People on the 4th December, 2012 preceded by promulgation of the Criminal Law (Amendment) Ordinance, 2013;

AND WHEREAS after the said Ordinance having been lapsed, there have been a spate of incidents resulting in injuries, psychological trauma and death of persons at the hands of offenders belonging to either gender or sex on account of various sexual offences & exploitation committed against them;

AND WHEREAS the Hon'ble Supreme Court in the case of National Legal Services Authority v. Union of India, (2014) 5 SCC 438 had afforded recognition to Transgender Persons as the 'Third Gender';

AND WHEREAS the Hon'ble Supreme Court in the case of Criminal Justice Society of India v. Union of India & Ors., W.P.(C) No. 1262/2018 *vide* its Order dated 12th November, 2018 found merit in the plea of the Petitioner praying for gender neutral rape laws and desired that the Parliament may consider the same;

AND WHEREAS the General Assembly of the United Nations adopted the Universal Declaration of Human Rights, 1948 to give effect to its commitment to protect the human rights of equality & protection from discrimination of all individuals;

AND WHEREAS the Republic of India, being a signatory to and having ratified the aforesaid Declaration, it is expedient to give effect to the said Declaration.

BE it enacted by Parliament in the Seventieth year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Bill may be called the Criminal Law (Amendment) Bill, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE

45 of 1860.

2. In section 8 of the Indian Penal Code (hereafter in this Chapter referred to as the Penal Code), for the words "male or female", the words 'male, female or transgender' be substituted.

Amendment of section 8.

3. After section 8 of the Penal Code, the following section shall be inserted, namely:—

Insertion of new section 8A.

"8A. Modesty is an attribute which attaches to the personality with regard to commonly held belief of morality, decency and integrity of speech and behaviour, in any man, woman or a transgender."

Modesty.

4. For the section 10 of the Penal Code, the following section shall be substituted namely:—

Substitution of section 10.

"10. The word "man" denotes a male human being of any age; the word "woman" denotes a female human being of any age; and the word "others" denotes a human being including but not limited to transgender of any age."

"Man".
"Woman".
"Transgender".

Substitution of new section for section 354.

Assault or use of criminal force to any person with intent to outrage modesty.

Amendment of section 354A.

Substitution of new section for section 354B.

Assault or use of criminal force to any person with intent to disrobe.

Amendment of section 354C.

Substitution of new section for section 354D.

Stalking.

5. For section 354 of the Penal Code, the following section shall be substituted, namely:—

“354. Whoever assaults or uses criminal force to any person, intending to outrage or knowing it to be likely that it will thereby outrage the modesty of that person shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.”

6. In section 354A of the Penal Code:—

(i) for the words “a man” and “any man who”, the word “whoever” shall be substituted; and

(ii) for the word “a woman”, the words “any person” shall be substituted, wherever they occur.

7. For section 354B of the Penal Code, the following section shall be substituted, namely:—

“354B. Whoever assaults or uses criminal force to any person or abets such act with the intention of disrobing or compelling that person to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, shall also be liable to fine.”

8. In section 354C of the Penal Code, :—

(i) for the words “any man”, the word “whoever” shall be substituted; and

(ii) for the word “a woman”, the words “any person” shall be substituted, wherever they occur.

9. For section 354D of the Penal Code, the following section shall be substituted, namely:—

“354. (1) Whoever—

(i) Follows any person and contacts, or attempts to contact such person to foster personal interaction repeatedly despite a clear indication of disinterest by such person; or

(ii) Monitors the use by any person of the internet, email or any other form of electronic communication, commits the offence of stalking:

Provided that such conduct shall not amount to stalking if whoever pursued it proves that

(i) it was pursued for purpose of preventing or detecting crime and whoever accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or

(ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or

(iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.”

10. For section 375 of the Penal Code, the following section shall be substituted, namely:—

Substitution of
new section
for section
375.

"375. Any person is said to commit rape if that person.

Rape.

(a) penetrates their genital, to any extent, into the genital, mouth, urethra or anus of any other person or makes that person to do so with them or any other person; or

(b) inserts, to any extent, any object or a part of the body, not being the penis, into the genital, the urethra or anus of any other person or makes that person to do so with them or any other person; or

(c) manipulates any part of the body of any other person so as to cause penetration into the genital, urethra, anus or any part of body of such person or makes that person to do so with them or any other person; or

(d) applies their mouth to the genital, anus, urethra of any other person or makes that person to do so with them or any other person, under the circumstances falling under any of the following seven description:

First.—Against the other person's will.

Secondly.—Without the other person's consent.

Thirdly.—With the other person's consent, when that person's consent has been obtained by putting them or any person in whom they are interested, in fear of death or of hurt.

Fourthly.—With the other person's consent, when a man knows that he is not that person's husband and that the person's consent is given because they believe that he is another man to whom they are or believe themselves to be lawfully married.

Fifthly.—With the other person's consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the or the administration by the person personally or through another of any stupefying or unwholesome substance, the other person is unable to understand the nature and consequences of that to which they give consent.

Sixthly.—With or without the other person's consent, when they are under eighteen years of age.

Seventhly.—When other person is unable to communicate consent.

Explanation 1.—For the purposes of this section, the word genital denotes penis and vagina and; vagina shall also include *labia majora*.

Explanation 2.—Consent means an unequivocal voluntary agreement when any other person by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act.

Explanation 3.—For the purposes of this section, the definition of gender as under section 8 of the Penal Code shall be applicable wherein the pronoun 'he' and its derivatives are used for any person, whether man, woman or transgender:

Provided that a person who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1.—A medical procedure intervention shall not constitute rape.

Exception 2.—Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape."

Insertion of
new section
375A.

11. After section 375 of the Penal Code, the following section shall be inserted, namely:—

Sexual assault
and
punishment of
sexual assault.

"375A. The following acts shall constitute the offence of sexual assault, if any person:—

(a) intentionally touches the genital, anus or breast of the person or makes the person touch the vagina, penis, anus or breast of that person or any other person, without the other person's consent except where such touching is carried out for proper hygienic or medical purposes; or

(b) uses words, acts or gestures towards another person which creates an unwelcome actionable threat of sexual nature or result in any unwelcome advance;

and shall be punished with rigorous imprisonment that may extend to three years, or with fine, or both.

Explanation 1.—For the purposes of this section, the word genital denotes penis and vagina and vagina shall also include labia majora.

Explanation 2.—Consent means an unequivocal voluntary agreement when any other person by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act.

Explanation 3.—For the purposes of this section, the word touches means touching of sexual nature without the consent of the victim and in absence of a reasonable belief that the victim has consented for the same."

Substitution of
new section
for section
376.

12. For section 376 of the Penal Code, the following section shall be substituted, namely:—

Punishment
for rape.

"376. (1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever,

(a) being a police officer, commits rape.

(i) within the limits of the police station to which such police officer is appointed; or

(ii) in the premises of any station house; or

(iii) on any person in such police officer's custody or in the custody of a police officer subordinate to such police officer; or

(b) being a public servant, commits rape on any person in such public servant's custody or in the custody of a public servant subordinate to such public servant; or

(c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or

(d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's children's institution, commits rape on any inmate of such jail, remand home, place or institution; or

(e) being on the management or on the staff of a hospital, commits rape on any person in that hospital; or

- (f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards any person, commits rape on such person; or
- (g) commits rape during communal or sectarian violence; or
- (h) commits rape on a woman knowing her to be pregnant; or
- (j) commits rape, on any person incapable of giving consent; or
- (k) being in a position of control or dominance over any person, commits rape on such person; or
- (l) commits rape on any person suffering from mental or physical disability; or
- (m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of any person; or
- (n) commits rape repeatedly on the same person,

shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Explanation.—For the purposes of this sub-section,

(a) armed forces means the naval, military and air force and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;

(b) hospital means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;

(c) police officer shall have the same meaning as assigned to the expression police under the Police Act, 1861;

(d) women's or children's institution means an institution, whether called an orphanage or a home for neglected women or children or a widow's home or an institution called by any other name, which is established and maintained for the reception and care of women or children.

(3) Whoever, commits rape on any person under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim."

13. In section 376A of the Penal Code, for the word "woman", the word person shall be substituted, wherever they occur.

Amendment of section 376A.

14. For section 376C of the Penal Code, the following section shall be substituted, namely:—

Substitution of section 376C.

"376C. Whoever, being—

- (a) in a position of authority or in a fiduciary relationship; or
- (b) a public servant; or

Sexual intercourse by a person in authority.

(c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or

(d) on the management of a hospital or being on the staff of a hospital, abuses such position or fiduciary relationship to induce or seduce any person either in the person's custody or under the person's or present in the premises, to have sexual intercourse with that person, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.

Explanation 1.—In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 375.

Explanation 2.—For the purposes of this section, Explanation 1 to section 375 shall also be applicable.

Explanation 3.—"Superintendent", in relation to a jail, remand home or other place of custody or a women's or children's institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates.

Explanation 4.—The expressions "hospital" and "women's or children's institution" shall respectively have the same meaning as in Explanation to sub-section (2) of section 376."

Amendment
of section
376D.

15. In section 376D of the Penal Code, for the words "a woman", the words "any person" shall be substituted.

CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

Amendment
of section
154.

16. In the Code of Criminal Procedure, 1973 (hereafter in this Chapter referred to as the Criminal Code), in section 154, in the provisos to sub-section (1), after the word, figure and letter "section 354D", the word, figure and letter "section 375A" shall be inserted, wherever the occur. 2 of 1974.

Amendment
of section
161.

17. In section 161 of the Criminal Code, in the second proviso to sub-section (3), after the word, figure and letter "section 354D", the word, figure and letter "section 375A" shall be inserted.

Amendment
of section
164.

18. In section 164 of the Criminal Code, in clause (a) of sub-section (5A), after the word, figure and letter "section 354D", the word, figure and letter "section 375A" shall be inserted.

Amendment
of First
Schedule.

19. In the First Schedule to the Criminal Code, under the heading "I.- OFFENCES UNDER THE INDIAN PENAL CODE",— (a) after the entries relating to section 374, the following entry shall be inserted, namely:—

1	2	3	4	5	6
375A	Sexual assault.	Rigorous imprisonment which may extend to 3 years or with fine, or both	Cognizable	Bailable	Court of Session.

CHAPTER IV

AMENDMENTS OF THE INDIAN EVIDENCE ACT, 1872

Amendment
of section
53A.

20. In section 53 of the Indian Evidence Act, 1872 (hereafter in this Chapter referred to as the Evidence Act), after the word, figure and letter "section 354D", the word, figure and letter "section 375A" shall be inserted. 1 of 1872.

21. In section 114A of the Evidence Act, after the words "in a prosecution for", the words "sexual assault under section 375A and" shall be inserted.

Amendment
of section
114A.

22. In section 146 of the Evidence Act, in the proviso, after the words "Provided that in a prosecution for an offence under", the word, figure and letter "section 375A", shall be inserted.

Amendment
of section
146.

STATEMENT OF OBJECTS AND REASONS

The idea of India, as envisaged by our founding fathers, is of one land embracing many, a nation that may endure differences of caste, creed, colour, conviction, culture, cuisine, costume and custom and yet continue to maintain its composite and pluralistic democracy. It's the underlying seamless web that unites India as a Sovereign, Socialist, Secular, Democratic Republic.

The Constitution of India guarantees to all persons the right to life and personal liberty, the equal protection of laws and prohibits discrimination on the ground of sex and provides a special provision for the advancement of socially backward classes of citizens;

It is imperative to note that transgender persons including homosexuals and bisexuals and men are excluded from the point of view of victims of sexual exploitation, assault or harassment and, from protection of rape, etcetera, under the penal laws of the country despite an impending need for the same.

The intention of the Bill is not to undermine the experiences of women subjected to rape and discrimination. But, as society matures, we must develop empathy for all and this includes male and transgender rape victims also. We need to break our silence on the issue of male and transgender rape and questioning social constructs that glorify machismo, reduce men and transgender to stereotypes and force them to mask their feelings. This Bill is an endeavor to bring laws relating to sexual exploitation, harassment and assault to be in-step with changing social morality.

Pursuant to the resolutions of the United Nations and the Universal Declaration of Human Rights, 1948, there has been a steady stream of countries that have amended the laws to make sexual offences gender neutral in line with the Universal Declaration of Human Rights, 1948. More than 63 countries have already given effect to gender neutrality in relation to sexual offences by amending their penal Laws to bring them in conformity with their commitment to the United Nations and the mankind. It cannot be forgotten that discrimination is the antithesis of equality and recognition of equality in its truest sense will foster the dignity of every individual. The lack of acknowledgment of male rape has impacted the ability of victims to recognize their own victimization.

Therefore, this Bill.

K.T.S. TULSI

VIII

BILL NO. XV OF 2019

A Bill further to amend the Minimum Wages Act, 1948.

BE it enacted by Parliament in the Seventieth year of the Republic of India as follows:

1. (1) This Act may be called the Minimum Wages (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

11 of 1948.

2. In section 2 of the Minimum Wages Act, 1948 (hereinafter referred to as the principal Act),—

A m e n d m e n t
of section 2.

(i) for clause (b), the following clause shall be substituted, namely:

"(b) "appropriate Government" means—

(i) in relation to any scheduled or *unscheduled* employment carried on by or under the authority of the Central Government or a railway administration, or in relation to a mine, oilfield or major port, or any corporation established by a Central Act, the Central Government, and

(ii) in relation to any other scheduled or *unscheduled* employment, the State Government."

(ii) for clause (e), the following clause shall be substituted, namely,—

"(e) "employer" means any person who employs, whether directly or through another person, or whether on behalf of himself or any other person, one or more employees in any scheduled or *unscheduled* employment in respect of which minimum rates of wages have been fixed under this Act, and includes, except in sub-section (3) of section 26,—

(i) in a factory where there is carried on any scheduled or *unscheduled* employment in respect of which minimum rates of wages have been fixed under this Act, any person named under clause (f) of sub-section (1) of section 7 of the Factories Act, 1948 as manager of the factory;

63 of 1948.

(ii) in any scheduled or *unscheduled* employment under the control of any Government in India in respect of which minimum rates of wages have been fixed under this Act, the person or authority appointed by such Government for the supervision and control of employees or where no person or authority is so appointed, the head of the department;

(iii) in any scheduled or *unscheduled* employment under any local authority in respect of which minimum rates of wages have been fixed under this Act, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;

(iv) in any other case where there is carried on any scheduled or *unscheduled* employment in respect of which minimum rates of wages have been fixed under this Act, any person responsible to the owner for the supervision and control of the employees or for the payment of wages;"

(iii) after clause (g), the following clause shall be inserted, namely,—

"unscheduled employment" means an employment which is not listed in the Schedule, including all types of casual and contract labour."

(iv) for clause (i), the following clause shall be substituted, namely,—

"(i) "employee" means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in a scheduled or *unscheduled* employment in respect of which minimum rates of wages have been fixed; and includes an out-worker to whom any articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of that other person where the process is to be carried out either in the home of the out-worker or in some other premises not being premises under the control and management of that other person; and also includes an employee declared to be an employee by the appropriate Government; but does not include any member of the Armed Forces of the Union."

Amendment
of section 3.

3. In section 3 of the principal Act, (i) in sub-section (i), in clause (a) after the proviso the following provisos shall be inserted, namely:—

“Provided further that the minimum rates of wages fixed in accordance with the provisions of this Act, shall not less than eighteen thousand rupees per month.”:

Provided also that, for any employment not specified in Part I or Part II of the Schedule, the minimum wage shall not be less than eighteen thousand rupees per month."

(ii) in sub-section (1A) the following proviso shall be inserted, namely:—

"Provided that, where the appropriate Government has refrained from fixing the minimum rates of wages as aforesaid, the minimum wage that is paid by the employer shall not be less than eighteen thousand rupees per month."

4. In section 5 of the principal Act, after sub-section (2), the following clause shall be inserted, namely:— Amendment of section 5.

"(3) The procedures referred to in sub-section (1) shall be undertaken at least once every five years, from the date of the coming into force of this provision."

5. In section 8 of the principal Act, for sub-section (2), the following clause shall be substituted, namely: Amendment of section 8.

"(2) The Central Advisory Board shall consist of persons to be nominated by the Central Government representing employers and employees in the scheduled and unscheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members, including at least one economist of repute; one of such independent persons shall be appointed the Chairman of the Board by the Central Government."

6. In section 12 of the principal Act, after sub-section (2) the following sub-section shall be inserted, namely:— Amendment of section 12.

"(3) The provisions of sub-section (1) of section 12 shall apply *mutatis mutandis* to unscheduled employment, for which no notification under section 5 is in force."

7. In section 18 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:— Amendment of section 18.

"(2) Every employer shall keep exhibited, in such manner as may be prescribed, in the factory, workshop or place where the employees in the scheduled or unscheduled employment may be employed, or in the case of out-workers, in such factory, workshop or place as may be used for giving out-work to them, notices in the prescribed form containing prescribed particulars."

8. For section 21 of the principal Act, the following shall be substituted, namely:— Amendment of section 21.

"**21.** (1) Subject to such rules as may be prescribed, a single application may be presented under section 20 on behalf or in respect of any number of employees employed in the scheduled or unscheduled employment in respect of which minimum rates of wages have been fixed and in such cases the maximum compensation which may be awarded under sub-section (3) of section 20 shall not exceed ten times the aggregate amount of such excess or ten rupees per head, as the case may be. Single application in respect of a number of employees.

(2) The Authority may deal with any number of separate pending applications presented under section 20 in respect of employees in the scheduled or unscheduled employments in respect of which minimum rates of wages have been fixed, as a single application presented under sub-section (1) of this section and the provisions of that sub-section shall apply accordingly."

9. In section 26 of the principal Act, for sub-sections (2) and (2A), the following sub-section shall be inserted, namely:— Amendment of section 26.

"(2) The appropriate Government may, if for special reasons it thinks so fit, by notification in the Official Gazette, direct that subject to such conditions and for such period as it may specify the provisions of this Act or any of them shall not apply to all

or any class of employees employed in any scheduled or unscheduled employment or to any locality where there is carried on scheduled or unscheduled employment.

(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled or unscheduled employment generally or in a scheduled or unscheduled employment in a local area or to any establishment or a part of any establishment in a scheduled or unscheduled employment, it is not necessary to fix minimum wages in respect of such employees of that class or in respect of employees in such establishment or such part of any establishment as are in receipt of wages exceeding such limit as may be prescribed in this behalf, direct, by notification in the Official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees."

STATEMENT OF OBJECTS AND REASONS

The Minimum Wages Act of 1948 was enacted to provide a floor rate of wages that would allow all workers to lead a dignified life. It has been found that by virtue of the limited coverage afforded by the Act, vast swathes of employment are left outside its provisions. Due to the rise in Consumer Price Index (CPI) over the recent years, workers across the country have been finding it difficult to lead a life that provides them the dignity as envisaged in the Constitution under Article 21. This has affected the lakhs of contract labourers and casual workers whose salary is not even connected to the CPI. Trade unions across the country have been demanding a minimum wage of rupees eighteen thousand across all sectors of employment which was also recommended by the Seventh Pay Commission.

The Seventh Pay Commission Report recommended that the minimum wage for government employees be fixed at rupees eighteen thousand per month. In view of the recommendation of the Seventh Pay Commission, the objective of this Bill is to bring non-governmental workers at par with government employees, by fixing a floor minimum wage of rupees eighteen thousand, and also to extend the reach of the Act to hitherto unprotected sections of the workforce, by making its provisions applicable to employment that is not covered under the Schedule.

The Bill seeks to achieve the above objects.

BINOY VISWAM

FINANCIAL MEMORANDUM

The provisions of the Bill provide that under no circumstances the minimum rates of wages shall be less than eighteen thousand rupees per month in any Scheduled or unscheduled employment. As the Central Govt. is also one category of an employer under the Principal Act, it is estimated that an amount of Rupees Five Hundred crores per annum approximately would be required for the purpose which would be of recurring nature and will be met from the Consolidated Fund of India.

IX

BILL NO. XVII OF 2019

A Bill further to amend the Companies Act, 2013.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Companies (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 135 of the Companies Act, 2013, in sub-section (5) after the first proviso, the following proviso shall be inserted, namely :—

Amendment
of section
135.

"Provided further that the company shall spend, in every financial year, at least twenty five per cent. The amount earmarked for Corporate Social responsibility activities on repair restoration, management, maintenance, upkeep etc. of ancient monuments and archaeological sites and remains of national importance as declared under section 3 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958:

STATEMENT OF OBJECTS AND REASONS

Corporate Social Responsibility (CSR) is an indispensable part of business today. CSR mandates the company to operate in an ethical manner while finding sustainable ways to contribute to the society at large. Companies in India are involved in women empowerment, social upliftment, environment awareness, among other things, in the CSR activities as required under section 135 of the Companies Act, 2013.

India as a nation has a rich history, culture and heritage. Our monuments have withstood the test of time and braved repeated invasions and assaults. It is the duty of every Indian to contribute into the maintenance and restoration of these monuments that showcase India's architectural marvel, engineering brilliance and spirituality to the whole world. Every monument mentioned under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 has a story to tell. These are stories of not only peace and tolerance, but also of the bravery and valour of those who fought protecting these ancient structures.

It is therefore desirable that, at least twenty five percent, of the two per cent of the average net profits of the company made during the three immediately preceding financial years, be spent on repair, restoration, management, maintenance, upkeep etc. of ancient monuments and archaeological sites and remains of national importance as declared under section 3 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

Hence, this Bill.

DR. VINAY P. SAHASRABUDDHE

X

BILL NO. XIX OF 2019

A Bill to provide training on social and emotional learning to all educators and students enrolled in schools affiliated to Central Board of Secondary Education, Indian Certificate of Secondary Education and State Education Boards using curricula and materials that are scientifically accurate, age appropriate, and culturally relevant and for other matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Promotion of Social and Emotional Learning in Schools Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

2. In this Act, unless the context otherwise requires,

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State, and in other cases the Central Government;

(b) "Chairperson" means the Chairperson of the Commission for Promotion of Social and Emotional Learning in Schools, appointed under sub-section 2 of section 4;

(c) "Commission" means the Commission for Promotion of Social and Emotional Learning in Schools set up under section 3;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "Student Committee" means Committee set up under section 13; and

(f) "teacher coordinator" means the authority appointed under section 16;

CHAPTER II

COMMISSION FOR SOCIAL AND EMOTIONAL LEARNING IN SCHOOLS

Constitution
of the
Committee.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a "Commission for Promotion of Social and Emotional Learning in Schools", to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Commission shall be a body corporate by the above name, having perpetual succession and a common seal.

(3) The head office of the Commission shall be at New Delhi.

Composition
of the
Commission.

4. (1) The Commission shall consist of a Chairperson and four members who shall be appointed by the Central Government, in consultation with the Ministry of Human Resource Development.

(2) The Secretary, Department of Higher Education Union Ministry of HRD shall serve as the Chairperson of the Commission.

(3) Of the four members referred to in sub-section (1),

(i) two members shall be from amongst the eminent persons of ability and integrity, who,

(a) have a thorough understanding and expertise of social and emotional learning;

(b) have experience of working as an expert in human psychology.

(ii) two members shall be from amongst the eminent persons of ability and integrity, who,

(a) have a thorough understanding and expertise in the field of academia;

(b) have experience of working with and implementing different pedagogical techniques.

Provided that at least one of the four members shall be a woman.

Term of
office of the
members of
the
Commission.

5. (1) The Chairperson and every member of the Commission shall hold office for a term of three years from the date of assumption of office and shall be eligible for re-appointment for not more than three terms.

Provided that under no circumstances, the Chairperson or any member shall hold office after attaining the age of seventy years.

(2) Notwithstanding anything contained in sub-section 1, the Chairperson or a member may—

(a) resign, by giving in writing to the Central Government, a notice of not less than six months; or

(b) be removed from their office in accordance with the provisions given in section 6.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and other members shall be such as may be prescribed by the Central Government.

6. (1) The Central Government may, by order, remove the Chairperson, or a member from office, if the Chairperson or a member—

Removal from the membership of the Commission.

(a) becomes mentally unable to continue in their position;

(b) is convicted of an offence under the Indian penal Code, 1860;

(c) acquires financial or other interests which may prejudice their decisions and functions;

(d) has in the opinion of the Central Government and the Court, so abused his position as to render his continuance in office detrimental to the public interest.

(2) The Chairperson or a member shall not be removed under any clause of sub-section (1), unless the Central Government gives in writing the reasons for their dismissal and the Chairperson or the member is given a reasonable opportunity of defending themselves in the matter.

7. (1) The Commission may, at any point, associate with itself any person whose advice or assistance it may desire in carrying out any of the purposes of this Act but not in contravention of any other law.

Advice sought by the Commission.

(2) A person associated with the Commission under sub-section (1) shall have a right to take part in discussions relevant to that purpose, but shall not be a member for any other purpose.

8. (1) The Commission shall meet as and when necessary as the Chairperson may deem fit.

Meeting of the Commission.

(2) The Commission shall regulate its own procedure.

(3) The Commission shall have the autonomy to allocate and spend the funds on the functions assigned to it under this Act.

CHAPTER III

FUNCTIONS OF THE COMMISSION FOR PROMOTION OF SOCIAL AND EMOTIONAL LEARNING IN SCHOOLS

9. (1) The primary function of the Commission shall be to develop and implement the curricular for promotion of social and emotional learning in all schools.

Functions of the Commission.

(2) The Commission shall have the authority to receive annual reports from all the state and Central education boards and act according to them as per the requirement.

10. The Commission shall also perform the following functions, namely:—

Other Miscellaneous functions.

(a) review and monitor the working of every District Education Officer and the concerned Grievance Redressal Office;

(b) ensure coordination among every District Education office and Grievance Redressal Office;

(c) submit an annual report to the Central Government, within such time as prescribed by the Central Government, giving a full and detailed account of the activities undertaken by it in the previous year, and the Central Government shall cause every such report to be laid before both houses of Parliament.

(d) make suggestions to the Central Government on the financial support required to implement the social and emotional learning and to fulfill the other functions assigned to it under this Act; and

(e) prescribe the study material that shall be included in school curriculum related to social and emotional learning.

CHAPTER IV

INCLUSION OF SOCIAL AND EMOTIONAL LEARNING IN SCHOOL CURRICULUM

Education Boards to integrate social and emotional learning in Curricula.

11. (1) The Central and State Education Boards shall modify their course content to integrate the Social and emotional learning in their curriculum.

(2) The Central and State School Education Boards shall use biographies of famous Indian personalities and poems that focus on the various resolution styles adopted by them during the time of crisis.

(3) The course content shall be relevant as well as socially and culturally sensitive.

Activities for social and emotional learning in school curriculum.

12. (1) The schools shall implement the curricula prescribed by respective Education Boards to impart social and emotional learning through experience, demonstration, play narratives, role play, stories and other means that catch the attention of children and make them enjoy.

(2) The students shall be given positive credits on their report cards for their participation in the activities related to social and emotional learning:

Provided that the evaluation shall be based on the efforts shown by the students during the class activity and not on the academic marks.

CHAPTER V

STUDENT COMMITTEE (BUDDY PROJECT) IN SCHOOLS

Constitution of Student Committee.

13. (1) The appropriate Govt. shall ensure that all schools shall constitute a student committee consisting of five representatives each from class-5, class-9 and class-12 who shall act as a mentor for the students of the junior classes.

(2) The participation of the students as a representative of the student committee shall be voluntary.

(3) The process to select the representatives to the student committee shall be such as may be prescribed:

Provided that at least one-half of the representatives shall be girls.

Psychological test/interview for the members of student committee.

14. (1) A candidate for selection as a representative shall be required to undergo a written psychological test as may be prescribed by the Commission.

(2) A selected representative shall undergo an interview by Board consisting of the teacher coordinator, school psychological counselor and a third party counselor.

(3) Each representative shall be given a certificate of appreciation after successful completion of a year long tenure.

Representation in the Student Committee.

15. The students of a school shall be divided in following three categories for the purpose of representation in the Student Committee from each category:

(a) Class-1 to Class-4 : The students of the first group shall have the representative from class-5;

(b) Class-5 to Class-8: The students of the second group shall have the representative from class-9; and

(c) Class-9 to Class-12: The students of the third group shall have the representative from class-12.

(2) The students shall be encouraged to approach the respective student representatives and the teacher coordinator, mentioned under section 16, for any problem faced by them.

CHAPTER VI

TEACHER COORDINATOR IN SCHOOLS

16. (1) The applicant shall ensure that all schools appoint at least one teacher coordinator subject to a maximum of four teacher coordinators who shall look after the activities regarding social and emotional learning in the school.

Provision of teacher coordinators in schools.

(2) The Schools may independently select a qualified counsellor on their own, otherwise a teacher shall be selected by the Principal who shall undergo a workshop conducted by the experts from the Department of Education in order to qualify as a coordinator.

(3) The content of the workshop, which shall be organized bi-annually by the Commission, shall focus on the various ways to include social and emotional learning in schools.

(4) The teacher coordinator shall be given a book, specially designed for by the Commission that will suggest the activities that can be organised in the school.

(5) The teacher coordinators of the Government schools and of the schools affiliated to State Education Boards shall participate in an additional workshop which shall be conducted by the appropriate Government through the experts in the field of social and emotional learning in the local language.

(6) The teachers of other educational boards shall participate in the workshop conducted by the Commission:

Provided that teachers may additionally participate in the State Government workshops at will.

(7) The participation in the workshop shall be mandatory in order to become a teacher coordinator and failure in attending three consecutive workshops would result in immediate dismissal from the position.

(8) Upon successful completion of the workshops, teachers shall be granted a certificate of participation.

17. (1) At the beginning of every academic year all students shall participate in a heuristics lab.

Provision regarding heuristics lab.

(2) The activities of heuristics lab shall be recorded and submitted to the District Education Officer within first two months of the academic year.

(3) The content of the activities of heuristics lab shall be designed by the teacher coordinator with the help of Student Committee as per the guidelines to be prescribed by the Commission.

(4) Provided that such activities shall focus to address the social, mental and relationship issues through group work, role play, games etc.

CHAPTER VII

ELECTRONIC DISSEMINATION OF SOCIAL AND EMOTIONAL LEARNING

18. A dedicated website, especially for social and emotional learning designed and maintained by the Commission shall be provided access to all the teacher coordinators, under which—

Access to website to teacher coordinator.

(a) the teacher coordinator shall upload the pictures and videos of all the activities taking place in a school in a digital form;

(b) various procedures, articles regarding the importance of the social and emotional learning, documents, notices, and testimonials from the teachers as well as students, shall be uploaded and updated from time to time; and

(c) the teacher coordinator shall also use the electronic platform to provide feedback and suggest changes.

Direct reporting by remotely located school.

19. The schools that are remotely located and are devoid of any proper communication channel digitally shall directly report to the District Education Officer, who shall be required update the website.

CHAPTER VIII

MISCELLANEOUS

Central Government to provide funds.

20. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, for carrying out the purposes of this act.

Act to supplements other laws.

21. The provisions of this Act or the rules made there under shall be in addition to and not in derogation of any other law, rules, orders or instructions.

Power to remove difficulties.

22. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

23. (1) Subject to the other provisions of this Act, the appropriate Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Rising stress amongst the youth is a common occurrence nowadays. But, there might be a suitable solution for this elusive problem. The true potential of a country can be really measured by the strength and skills of its youth. In India, we have one of largest youth population on the planet. But the question remains that how well we have been able to harness and develop their inherent potential.

We spend much less than the rest of the world on mental health issues (0.06% of the health budget is spent on mental health care) and have only 0.30 psychiatrists, 0.17 nurses, and 0.05 psychologists per 1,00,000 mentally ill patients in the country. According to a 2017 WHO report, 10- 20% of children and adolescents world-wide are believed to be affected with mental health issues, with suicide and self-harm being the second leading cause of death in this age group after road traffic injuries. The same report surveyed Indian adolescents of whom 25% reported being depressed, 7% mentioned being bullied, 8% spoke about suffering from anxiety, another 8% complained of experiencing loneliness, and a 10% reportedly had no close friends, all of which are warning signs pointing towards mental health issue. The actual figures are likely to be far higher due to under-reporting on account of lack of awareness, and due to the stigma attached to mental health.

When we look at the current trajectory of mental health concerns in children and youth in India, we immediately correlate it to issues arising from an over-competitive environment and/or bullying. A 2012 Lancet study also had a similar finding, wherein they pointed out that Indian adolescents were often pressured to have aspirations of a much higher level than the society around them was capable of keeping pace with, leading to disappointments at a greater scale. While it is important to understand the causes of such mental ill health, it is far more pertinent to tackle the root of these issues, and attempt to prevent it. Mental and emotional health are integrally related, with the later having a strong influence on the former. These begin developing at an early age, and help us in our personal, academic, social lives by equipping us with some basic life skills. Given schools' unique ability to access large numbers of children, they are most commonly identified as the best places to provide this support so as to promote the universal mental health of children. A key component of such a support system, which has been gaining rapid recognition worldwide, has been Socio-Emotional Learning ('SEL'). SEL has been found to be an effective tool in developing better control over one's emotions, and in enhancing the decision-making process of an individual. Research shows that SEL is associated with a positive impact on important mental health variables that increase children's attachment to school, enhance their motivation to learn, and reduce risky behaviours. SEL, when properly imparted to children or adolescents, is also understood to have a direct impact on their earnings over their lifetime. Apart from the above, for a country like India with its strong cultural diversity, there is an additional need for future generations to internalize SEL because they also help them in realizing the basic values expounded by our Constitution.

Hence, this Bill.

DR. VIKAS MAHATME

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Commission for Social Emotional Learning in Schools. Clause 5 *inter alia* provides for salary and allowances payable to the Chairperson and other Members of the Committee. Clause 20 makes it obligatory for the Central Government to provide requisite funds to carry out the provisions of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible at present to quantify the funds that may be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the appropriate Government to frame rules by notification in the Official Gazette, to carry out the provision of the Bill. The rules to be framed by the Government pertain to matters of administrative detail only, which cannot be laid down in the Bill itself. The delegation is, therefore, normal in character.

XI

BILL NO. XVIII OF 2019

A Bill to revitalize efforts towards promoting the small family norms of up to two children per eligible couple; to ensure healthy birth spacing through measures related to augmenting the availability, accessibility and affordability of quality reproductive health services, and other relevant inter-sectoral development instruments by the Central and the State Governments; to achieve the goal of stabilization of population commensurate with the emerging social, economic, health, nutritional, epidemiological, environmental and other developmental needs of the national economy; to recognize the implications of population momentum on the prospects of national progress in the long run, propelled through its young and dynamic population age-structure; to ameliorate and harness the demographic potential in the sustainable manner and help to engulf the prevailing demographic and socio-economic disparities across population groups and regions, and render equal opportunities for all, irrespective of age, sex, religion, caste, class, race, residence, language etc. to achieve the fullest development potential and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

Short title,
extent and
commencement.

1. (1) This Act may be called the Population Regulation Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "small family" means family or couple having up to two children.

Declaration as
to giving effect
to the policies
of the State as
laid in article
38 of the
Constitution
of India.

3. It is hereby declared that the provisions of this Act are for the purposes of giving effect to the policies of the State towards securing the principles laid down in clauses (1) & (2) or article 38 of the Constitution of India.

Formulation
of Revised
National
Population
Policy.

4. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, formulate a comprehensive Revised National Population Policy particularly for the purposes of implementing the provision of adopting small family norm.

(2) Without *prejudice* to the generality of the provisions contained in sub-section (1) the Central Government shall:

(a) make provisions for accessible, affordable and quality reproductive health care Services across the public health system across the country;

(b) supplement these provisions with inter-sectoral and inter-ministerial synergies towards strengthening the key areas of primary and secondary education, access to safe drinking water and sanitation facilities in the household, housing for all, affordable health care for all and economic/livelihood opportunities- particularly for women;

(c) make concerted efforts towards promoting the value of girl child at par with male child, and ensure the equal participation of women in social, economic and political spheres; and

(d) lay special stress on the Empowered Action Group States (EAG) and high focus districts with Total Fertility Rate above three points to effectively implement and benefit from the national policy.

Facilities to
Government
employee who
adopts small
family norm.

5. (1) **Notwithstanding anything contained in any other law for the time being in force, the employee of the Central Government or of a Public Sector enterprise under the control of the Central Government who adopts small family norm by undergoing sterilization operation himself or of the spouse shall be given:—**

(a) one additional increment during the entire service;

(b) subsidy towards purchase of plot or house site or built house from Housing Board or Development Authority of the Government as may be prescribed;

(c) loan for construction or purchasing a house from Banks or financial institutions on nominal rate of interest;

(d) rebate on income tax, as may be prescribed;

(e) subsidy for travel by road, rail or air, as may be prescribed;

(f) rebate on charges for utilities such as electricity, water, house tax, vehicle registration, telephone etc., as may be prescribed; and

(g) such other benefits and incentives, as may be prescribed.

(2) The Central Government shall also provide additional incentives, including, but not limited to—

(a) paternity leave of 12 weeks, with salary and allowances for upto two children;

(b) two percent. increase in the employer's contribution under pension scheme for employees having up to two children;

(c) free healthcare facility and insurance coverage to parents;

(d) free healthcare facility to single child till he attains the age of twenty-five years;

(e) preference to single child in admission in all educational institutions, including, but not limited to AIIMS, IIT, NIT and IIM and in all government jobs; and

(f) free education up to graduation level and scholarship for higher studies beyond graduation for single girl child.

6. The incentives and benefits referred to in section 5 shall be extended *mutatis mutandis* to the general public in the manner provided therein.

Extension of
benefits to
general public

7. Whoever in contravention of small family norm procreates more than two children, shall be ineligible to avail incentives and benefits provided in this Act and in addition thereto shall,—

Loss of benefits
whoever
contravenes
small family
norm.

(a) receive reduction in subsidies in matters of different loans extended to him;

(b) receive reduced benefits of Public Distribution System to be determined by the appropriate Government;

(c) be eligible for loan from the Bank or financial institution at higher than the existing interest rates;

(d) receive lower interest rates on saving instruments in Banks and investment instruments in equity shall; and

(e) not be entitled for such other facilities as may be prescribed.

8. Any individual having more than two living children shall be provided maternity or paternity leave but the emolument benefit of the maternity or paternity period shall stand withdrawn:

No maternity
or paternity
facilities to be
given for
those having
more than
two living
children.

Provided that if, such individual agrees to undergo sterilization operation after the birth of the third child then he/she shall be provided with the requisite maternity or paternity facilities forthwith.

9. (1) Notwithstanding anything contained in any of the election laws for the time being in force, a citizen shall be disqualified for being chosen as a member of either House of Parliament or of the legislature of a State or of any body of the local self government, if such citizen has more than two living children:

Miscellaneous
provisions.

Provided that this provision shall not apply in case of a citizen having more than two living children on or before the date of commencement of this Act.

(2) Every serving government employee shall give an undertaking not to procreate more than two children:

Provided that this provision shall not apply to a government employee who has more than two living children on or before the date of commencement of this Act.

Act shall not apply on birth of two or more children at one time.

Duties of the Government.

10. The provision of this Act shall not apply in case of birth of two or more children at one time.

11. The appropriate Government shall,—

(a) implement the Revised National Population Policy to achieve the goals enumerated therein;

(b) establish maternity centers at all the primary health centers (PHCs) ;

(c) distribute contraceptive pills, condoms, IUDs through Healthcare Centres and Non-Governmental Organisations;

(d) spread awareness about family planning methods through community health workers such as auxiliary nurse midwife or accredited social health activist;

(e) ensure mandatory registration of pregnancy, deliveries, birth and death across country;

(f) distribute iron and vitamin capsules and tablets amongst the expecting mothers;

(g) conduct regular vaccination and immunization drives to protect the children from various health risks;

(h) undertake efforts to encourage the husband-wife communication and male participation in family planning matters;

(i) organize massive information and education campaigns to generate public awareness related to the benefits of having small families and healthy birth spacing;

(j) form village level societies to encourage/disseminate benefits of small family norm, value of girl child and efforts to promote gender equality in all walks of life; and

(k) undertake such other measures as it may deem fit and expedient for the purposes of this Act.

Central Government to provide funds.

Power to remove difficulty.

12. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act from time to time.

13. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act as may appears to it to be necessary or expedient for the removal of the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

Overriding effects.

14. The provisions of this Act and of any rules and orders made thereto under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Savings.

15. The provisions of this Act shall be in addition to and not, save as otherwise expressly provided in this Act, in derogation of any other law for the time being in force in any part of the country.

Power to make rules.

16. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

India resembles a rich embodiment of diverse ethnic, linguistic, geographic, religious and demographic characteristics, with more than 1.3 billion inhabitants, stands today as the second most populous country in the world. In other words, close to 17 percent of global population resides here, and every sixth global citizen is an Indian. The heterogeneous demographic composition of India's population presents multitude of opportunities and challenges with far reaching socio-economic, health, nutritional, and political implications that deserves a systematic scrutiny. As per the latest United Nation Population Projections, India is expected to surpass China by 2024 and shall become the most populous country with a population of 1.6 billion populations by 2050. This gigantic population size with its inherent diversities present eminent challenges before national leaders and policy makers to ensure the provision of the basic necessities of human life including affordable food, safe drinking water, decent housing, access to quality education, economic/livelihood opportunities, power/electricity for domestic consumption, and a secure living. However, given the limited resources ecological and economic resources at hand, it has become an urgent need to do objective analysis and intervene to plan the process of demographic change for the coming generation of future India. Recent records suggest that despite being emerging economic giants, and rising wave of urbanization, India continues to remain predominantly rural in its characters — where close of 69 per cent population lives across more than 600,000 villages as per the Indian Census 2011. In addition, the urban centers have developed haphazardly and mega cities seem to be growing out of proportion at the cost of small urban centers, leaving millions of urban dwellers to live a life without basic human dignity and peace. At this juncture, it may be intuitive to quickly recapitulate the trajectory of India's demographic journey and learn about the future course corrections.

India's population has increased almost four folds during the post independence era (from 361 million in 1951 to 1210 million in 2011). The dramatic increase in the total population size between 1960's to 1990's also marked peak of the average population growth rate of 2 percent per year. Such rapid population growth has been attributed to gradual declining mortality levels and relatively slow change in the fertility levels. Infant mortality rate declined from 225 infant death per 1000 live births in early 1950's to 80 infant deaths per 100 live births in 1990's, total fertility rate declined from 6.0 children per woman in 1966 to 3.8 children per woman in 1992. Afterwards, the rate of population growth has been declining, though the absolute population base has been widening. The overall life expectancy of the Indian population- an important marker of population health- has improved by 31 years, from 37 years in 1950s to 68 years in 2013. However, the demographic transitions in the mortality and fertility levels varied greatly across states and districts in India, with the southern states of Kerala, Tamil Nadu, Karnataka, and Andhra Pradesh experiencing the demographic transition well before the other parts of the country. This further led to widening regional inequalities in the agricultural, industrial, social and economic progress across southern and northern parts of India. On the one hand, efficient demographic transition, achieved through implementation of effective family planning programs and set of education, economic and inclusive social development policies, have helped to achieve higher degree of progress and human development. On the other hand, most of the northern and eastern parts of the country failed to implement the family planning programmes and development programs as per the needs. This has now led to different population blocks in the country, where, southern states with smarter demographic performance enjoy better quality of life and provide ample employment opportunities. While, the northern and eastern states have not been able to effectively support the right of education, health, nutrition, and economic/livelihood opportunities, largely owing to the mismanagement of the growing population base. The recent Annual Health Survey (2010-2013) conducted by the ORGI shows that more than 26 percent districts have TFR of 3.0 or above and they are clustered across the nine Empowered Action Group (EAG) states (Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Jharkhand, Chhattisgarh, Uttarakhand, Odisha, Assam). These nine states together account for close to 48 per cent of the total population, 59 per cent of births, 70 per cent of infant deaths, 75 per cent of under-five mortality, and 62 per cent of maternal deaths in India.

The above challenge is really formidable given remarkable heterogeneities in the demographic composition of the population (in terms of age group, educational status, economic groups, social and religious groups, health and nutritional status, occupational pattern, and marital status) across regions, states, and districts of India that forms the key benchmark to address the impending challenges related to improvising the socioeconomic conditions, health and nutritional status, environmental security in the face of climate change, and overall quality of life of the population. The recent demographic trends suggest that India is certainly moving towards replacement level fertility, with total fertility rate of 2.1 or below, with 174 districts out of 621 have already achieved replacement level fertility. Most of these districts are clustered among the southern and western parts, except Punjab and Himachal Pradesh from northern part of India (including Kerala, Tamil Nadu, Karnataka, Andhra Pradesh, Goa, Maharashtra etc.). On the other hand, close to 72 districts have TFR more than four children per woman that is largely clustered in the north, central, eastern and north-eastern parts of the country (including Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh, Jharkhand, Meghalaya etc.). Most of these districts with relatively high TFR are demographically and socioeconomically lagging behind, and therefore needs urgent programmatic focus to help the people to achieve effective opportunities to realise their full developmental potentials. Therefore, the uncertain future of the speed of fertility transition in the districts spread across the EAG states between the Indo-Gangetic plains to the Deccan plateau will determine the trajectory of the unfolding demographic transition and its related developmental implications. Furthermore, there also persists widespread socio-economic and regional variability in the access to quality family planning services that could delay the process of fertility transition. For example, the access to the modern family planning methods is inadequate and disproportionately varies across place of residence, educational groups, religious affiliation, caste groups and across states in India. For instance, currently married women living in the urban areas, educated up to high secondary or above, non-Muslims, belonging to other caste groups, and living in the southern states (eg. Andhra Pradesh) reported relatively higher use of modern contraceptive methods as compared to their counterparts. These demographic changes will have bearing upon the changing age-structure of population and will influence the prospects of future economic growth, educational expansion, health, and nutritional status and the environmental security.

Given the need of the hour, it is imperative upon us to evolve a pragmatic and well thought out strategy to address the emerging demographic and related development needs of the 1.35 billion people today. As a quick starter, it may be appropriate to encourage the Indian population to opt for small family norms of up to two children. This choice shall have benefits on multiple scales- health of women and children will improve, burden in terms of health costs and lost opportunity cost to work of the family will reduce, women will find time to spend in school/college/universities, and become equipped to find employment/livelihood. In this ways, smaller families shall go a long way to improve the economic and health conditions of the households. If similar changes are adopted at a larger scale, it may lead to enormous saving of healthcare cost, and potential human hours usually lost to work. Therefore, these potential resources could be effectively invested into more productive activities and help to power the growth story of the new India. Several countries from East and South Asia (South Korea, Singapore, Vietnam, Bangladesh, Thailand etc.) have effectively implemented the small family norms effectively and benefited from the demographic advantage with effective macroeconomic policies and good governance.

This Bill seeks to empower the Indian population through rationing of the family size (having up to two children per couple) and equally participate in the movement of progress to path of self reliance, cohesive living, and sustainable peace.

Hence, this Bill.

RAKESH SINHA

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides certain benefits to government employee who adopted small family norm. Clause 6 provides for extension of benefits to general public who adopt small family norm. Clause 12 provides that the Central Government shall provide requisite funds from time to time for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten crore will be involved out of the Consolidated Fund of India. No non-recurring expenditures is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

DESH DEEPAK VERMA,
Secretary-General.